

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CECILIO PACACHE,

Defendant.

Case Number: 2:06-cr-00169-WKW-SRW-1

**DEFENDANT'S MOTION
TO CONTINUE SENTENCING DATE**

COMES NOW Defendant Cecilio Pacache, by and through his undersigned counsel, respectfully moves this Honorable Court to continue the sentencing date to September 8, 2008 or to a date thereafter. As support, Defendant Pacache declares as follows:

1. That on July 30, 2008, this Court continued the sentencing hearing for Defendant from August 7, 2008, at 9:30 a.m., to August 13, 2008, at 11:45 a.m.
2. That a continuance is necessary because Defendant Pacache's undersigned counsel will be engaged in trial in Los Angeles, California on August 13, 2008.
3. That on July 30, 2008, Defendant Pacache's undersigned counsel called and left a Message for Ann Roy, Courtroom Deputy Clerk, and requested that the sentencing date be continued to August 18, 2008.
4. That on July 31, 2008, Defendant Pacache's undersigned counsel received a message from Ann Roy in which she indicated that this Court will be engaged in trial the week of August 18, 2008 and that a motion to continue the sentencing date will have to be filed.
5. That Defendant Pacache's undersigned counsel will be engaged in a different trial from August 25, 2008 thru September 5, 2008 in Los Angeles, California.
6. That a continuance is further necessary because a final presentence report has not been completed.
7. That the parties are confident that all issues with respect to the final presentence report will be resolved by September 8, 2008 and that sentencing will be able to proceed at that time.
8. That the probation department and the government, through its counsel, A. Clark Morris, does not object to this motion for a continuance of the sentencing date.

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9. That defendant requests that the Court determine that the period of time between today's date and sentencing be deemed excludable under the Speedy Trial Act, 18 U.S.C. Section 3161, taking into consideration the exercise of due diligence.

WHEREFORE, defendant Cecillo Pacache prays that his motion be granted.

RESPECTFULLY SUBMITTED THIS 1ST DAY OF AUGUST 2008.

/s/ Phach T. Ngo

PHACH T. NGO

Attorney for Mr. Cecilio Pacache

Law Offices of NGO & ASSOCIATES, APLC

3200 Wilshire Blvd., Suite 690-NT

Los Angeles, CA 90010

Tel: (213) 385-6300

Fax: (213) 385-3533

Email: pngo@lawyer.com

CERTIFICATE OF SERVICE

I hereby certify that on August 1, 2008, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

A. Clark Morris
Assistant U.S. Attorney
PO Box 197
Montgomery, AL 36101

DONE THIS 1ST DAY OF AUGUST, 2008.

/s/ Phach T. Ngo
PHACH T. NGO
Attorney for Mr. Cecilio Pacache